



March Board Cycle

Milwaukee County Parks

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Date: February 19, 2021

To: Marcelia Nicholson, Chairwoman, County Board of Supervisors

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: **Intergovernmental Cooperative Agreement (ICA) with Milwaukee Metropolitan Sewerage District (MMSD) to complete Kletzsch Fish Passage and Dam Repair (ACTION)**

Issue

In April of 2019, a Professional Services Agreement for the Fish Passage element of project WP548 – Kletzsch Park Dam Repairs and Improvements, was approved by the Board as file 19-335. The approval was contingent that before proceeding with the project the Parks Department must present the proposed final design at another Public Information Meeting and that the proposed final design shall receive County Board approval before construction of any project can proceed. The request for authorization was laid over in the January 28, 2020, Parks, Energy, and Environment Committee Meeting. Due to delays in project implementation and timeframes for grant expenditures the County is now at risk of losing grant funding for the dam repairs and the fish passage. Both project elements are essential because the County is under an order from the Wisconsin Department of Natural Resources (DNR) to repair the dam, and the fish passage is also a necessary fish and wildlife habitat restoration project to resolve the beneficial use impairment that has been identified within this portion of the Milwaukee Estuary Area of Concern (AOC). To successfully realize these projects prior to the expiration of grant funding, Parks requests the approval of a proposed ICA in partnership with the Milwaukee Metropolitan Sewerage District (MMSD). This agreement will incorporate MMSD as a critical partner in completing the dam repair and fish passage projects.

Background

Kletzsch Park is a 118-acre park along the westerly side of the Milwaukee River within the City of Glendale. Park land was first acquired in 1918, and the Kletzsch Park Dam was built in the 1930's. The dam consists of a fixed-crest gravity spillway with timber stop log bypass gates on the east side of the dam to allow draining the impoundment behind the dam. The sinuous spillway is constructed of concrete and masonry and spans 245 feet between the abutments. The



timber stop log bypass gates are currently blocked by sediment and vegetation making them non-operational. Overall, the dam is in generally good condition.

Kletzsch Dam Fish Passage was identified by the EPA as a necessary fish and wildlife habitat restoration project in the Milwaukee Estuary AOC – a project that will help lead to the Milwaukee Estuary being delisted as an AOC. For context, the Milwaukee Estuary AOC was identified as one of approximately 31 Great Lakes Areas of Concern within North America, and 5 have been delisted to date. Per the EPA: “The U.S.-Canada Great Lakes Water Quality Agreement (Annex 1 of the 2012 Protocol) defines AOCs as geographic areas designated by the Parties where significant impairment of beneficial uses has occurred as a result of human activities at the local level. An AOC is a location that has experienced environmental degradation. EPA and other federal and state agencies are working to restore the 26 remaining U.S. AOCs in the Great Lakes basin.” Fish passage at Kletzsch is critical in positioning the delisting of the Milwaukee Estuary, contributing to the environmental health of the county, our region, state, country, and continent.

In 2017, Milwaukee County Parks, partnering under a subaward through DNR from the EPA committed to constructing a fishway at Kletzsch that would re-establish aquatic species connectivity by addressing this last barrier to the movement of native warm-water fish species (including but not limited to lake sturgeon, walleye, northern pike and other important game and non-game fish) between Lake Michigan, the Milwaukee River Estuary, including 25 miles of river, 29 miles of tributary waterways and 2,400 acres of wetlands upstream of the dam. The fish passage will provide access to spawning and nursery habitat lacking between the Kletzsch dam and Lake Michigan. It will also build upon significant ecological investments in river restoration made upstream of the Kletzsch Park Dam in recent years including a fish passage facility at the Milwaukee River's Thiensville Dam (river mile 20), the removal of the Milwaukee River's North Avenue, Lime Kiln, and Chair Factory Dams (river miles 3, 30 & 31 respectively), the Seminary Dam removal on Pigeon Creek, and elimination of numerous fish barrier culverts and other obstructions.

Milwaukee County has been awarded several grants to fund improvements that will address a number of deficiencies at the Kletzsch dam. There are three main components to the project:

1. Repairs to damaged masonry, removal of vegetation, and re-establishing functionality to the timber stop logs at the east abutment.
2. Construction of fish passage to allow native fish species (targeting northern pike and sturgeon) to migrate upstream during seasonal spawning.
3. Reconstruction of the dam overlook in response to the need for improved public access to the river, specifically addressing the current precarious access conditions which both limit access for physically disabled individuals and present safety concerns for all people accessing the river, including boaters and anglers.

Over the course of the project's design, multiple concepts to address this scope have been developed and vetted, and this process has included and incorporated significant public engagement. Once concept, involving a bypass fish passage channel constructed in the west overbank of the Milwaukee River in Kletzsch Park, was presented at a Public Information Meeting (PIM) in January 2019. Several questions and concerns were raised regarding changes to the



landscape, impacts to the historic parkway, and loss of trees. In April, the County Board passed Amended Resolution 19-335 requiring a second PIM be held to present additional alternatives, clarifying how the alternatives address the concerns raised at the first PIM, and requiring that the final design must receive County Board approval before proceeding. The second PIM was held on Tuesday, September 17, 2019, during which the previous design concerns were addressed through a presentation, question and answer period, and topical break-out discussions. The preferred final concept was submitted to the County Board for approval in October 2019 as File 19-793 but was laid over to the call of the chair and placed on file at the end of term.

During the course of the project many design alternatives were reviewed and tested to ensure that the best possible solution was produced. These alternatives included but were not limited to:

- West bank downstream rock ramp/step-pool (3 alternatives)
REJECTED - Did not meet fish passage performance criteria and FEMA no-rise flood criteria
- West bank step-pool fish passage with channel and dam modification (3 alternatives)
REJECTED - Did not meet fish passage performance criteria and FEMA no-rise flood criteria
- West bank step-pool bypass fish passage bypass (4 alternatives)
REJECTED - Oak tree impact concerns and extensive bank modifications
- West bank bypass fish passage with culverts
REJECTED - Culvert length would inhibit fish passage and extensive grading required
- East bank bypass fish passage
REJECTED - Increases FEMA 100-year floodplain elevation and impacts insurable structures on private property
- West bank in-river fish passage
SELECTED FINAL CONCEPT - Not pursued due to concerns from public input

Project funding is provided from several grant sources. The following table identifies the source of the grants, how the grants apply to the project, the amounts, and the remaining funds.

Fund Source	Applies to	Funds	Funds Remaining	Comments
Great Lakes Restoration Initiative (GLRI)	Fish Passage	\$550,000	\$274,199	Granted to WDNR, sub-granted to County
Fund for Lake Michigan	Fish Passage	\$200,000	\$200,000	Match for GLRI funds
WDNR Municipal Dam Grant	Dam Repairs	\$165,000	Of the \$330,000 total between this grant and match, \$306,608 remains	
County	Dam Repairs	\$165,000		Match to Municipal Dam Grant



Partnership with MMSD

In late November 2020, MMSD approached the County and in partnership to rehabilitate the dam and install the fish passage because this scope aligns with its mission of reducing flooding and efficient use of the sewerage system. Within this partnership, MMSD is obligated to ensure any repairs or alterations to the site do not increase the risk of regional flooding. This partnership leverages statutory powers afforded to MMSD for land acquisition which may allow for installation of the fish passage on the east bank, an option that Milwaukee County has been unable to pursue prior. MMSD and the County possess complimentary expertise and a partnership will provide better results than could be achieved by MMSD or the County acting separately. Milwaukee County Parks plans to pursue the overlook and portage independent from the dam and fish passage at a later date.

In coordination with the Wisconsin Department of Natural Resources, MMSD and the County have developed an Intergovernmental Cooperation Agreement (ICA) that outlines the rights and responsibilities of the parties. MMSD will act as a sub-awardee to the County for implementation of the grants to repair the Kletzsch Park Dam and installation of the fish passage. The major responsibilities are as follows:

MMSD Responsibilities

- Ensure compliance with dam repair orders and grants
- Work with County staff in key project decision making processes during planning, design, and construction
- No bids will be solicited until the County has approved the final design
- Assume the current contract the County has with Interfluve for design
- Acquire all real estate necessary to construct the project and transfer real estate necessary for ongoing maintenance to the County at project completion
- Coordinate, if necessary, with the Wisconsin State Historic Preservation Officer and the Glendale Historic Preservation Committee

County Responsibilities

- Review and comment on solicitations for contracts, including relevant plans and specifications, attend meetings, approve final design plans, coordinate with MMSD on all project aspects
- Release any unspent grant funds to MMSD and fulfill any pledged matching funds as detailed in Fig. 2 in the ICA and outlined in the chart above
- Assign the Interfluve consultant contract to MMSD
- Own, operate, and maintain the dam and fish passage at project completion

Recommendation


Parks' Executive Director recommends approval of the ICA between Milwaukee County and the MMSD. The ICA identifies the rights and responsibilities of each party for the joint project to repair the Kletzsch Park Dam and install a



fish passage per the directives of the DNR and EPA.

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Natalie Dutack, Area of Concern Supervisor, Milwaukee County Parks

Approved By: Guy Smith, Executive Director, Milwaukee County Parks 

Attachments

- Resolution
- Fiscal Note
- Intergovernmental Cooperation Agreement

Copy

- David Crowley, County Executive
- Mary Jo Meyers, Chief of Staff, County Executive's Office
- Sheldon Wasserman, Parks, Energy & Environment Chair, Supervisor District 3
- Steven Shea, Parks, Energy & Environment Committee Vice-Chair, Supervisor District 8
- Felesia Martin, Parks, Energy & Environment Committee Member, Supervisor District 7
- Sylvia Ortiz-Velez, Parks, Energy & Environment Committee Member, Supervisor District 12
- Liz Sumner, Parks, Energy & Environment Committee Member, Supervisor District 1
- Kelly Bablitch, Chief of Staff, County Board
- Julie Landry, Director, Department of Administrative Services
- Joseph Lamers, Fiscal & Budget Director, DAS
- Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS
- Pamela Bryant, Capital Finance Manager, Comptroller's Office
- Justin Rodriguez, Capital Finance Analyst, Comptroller's Office
- Kelsey Evans, Committee Coordinator, Office of the County Clerk
- Emily Peterson, Research & Policy Analyst, Office of the Comptroller
- Anthony Rux, Budget & Management Analyst, DAS-PSB

